

John T. Morgan (USB #3839)

UNITED STATES DEPARTMENT OF JUSTICE

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Attorney for Patrick S. Layng, United States Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

In re:

**CHRISTOPHER MICHAEL HILL and
JULIE ANN HILL,**

Debtors.

Bankruptcy Case No. 19-28702 JTM

(Chapter 7)
Judge Joel T. Marker

**MOTION FOR ORDER DENYING DISCHARGE OF DEBTOR, JULIE ANN HILL,
PURSUANT TO 11 U.S.C. §727(a)(8) AND MEMORANDUM IN SUPPORT THEREOF**

The United States Trustee, by and through his attorney, John T. Morgan, hereby moves the Court for the entry of an order denying discharge of Debtor, Julie Ann Hill's, debts pursuant to 11 U.S.C. §727(a) and Fed. R. Bankr. P. 4004(d) and for such other and further relief as the Court deems appropriate under the circumstances. This Motion is supported by the Memorandum of Points and Authorities as follows:

**MEMORANDUM IN SUPPORT OF MOTION FOR ORDER DENYING DISCHARGE
PURSUANT TO 11 U.S.C. §727(a)(8)**

I. STATEMENT OF FACTS

1. The Court has jurisdiction of this matter under 28 U.S.C. §§ 1334(a) and (b); 28 U.S.C. §§ 157(a) and (b)(1); and 28 U.S.C. §151. This is a core proceeding under 28 U.S.C. §§ 157(b)(A) and (B).
2. The Debtors filed a voluntary joint petition for relief under chapter 7 of Title 11 of the United States Code on November 23, 2019. Stephen W. Rupp was appointed as Chapter 7 Trustee in this case and continues to serve in that capacity.
3. A Meeting of Creditors, pursuant to 11 U.S.C. §341, was conducted on January 2, 2020.
4. As applied to 11 U.S.C. §727(a)(8), this Motion is timely pursuant to Fed R. Bankr. P. 4004(a).
5. The Debtor, Julie Ann Hill a.k.a. Julie Ann Gordon, filed a prior Chapter 7 bankruptcy case on September 27, 2013, in the District of Utah, Case No. 13-31086 JTM. Julie Ann Hill received in that case a Discharge under 11 U.S.C. §727 of the Bankruptcy Code on January 8, 2014.
6. Using the Debtor, Julie Ann Hill's, full social security number, XXX-XX-6323, prior to the filing of the Motion herein the United States Trustee's office conducted a search of its databases and queried the Court's records to ensure that the Debtor, Julie Ann Gordon, from case no. 13-31086 JTM (District of Utah) and Debtor, Julie Ann Hill, from case no. 19-28702 JTM was in fact the same individual.

7. The United States Trustee's Office thereby verified that the social security number used in case no. 19-28702 JTM by Debtor, Julie Ann Hill, was in fact the same social security number, also used by Julie Ann Hill a.k.a. Julie Ann Gordon, in case no. 13-31086 JTM.
8. The present case of Debtor, Julie Ann Hill, was filed on November 23, 2019 as a Chapter 7 case within eight (8) years after the filing of the prior Chapter 7 case in which the Debtor received a Chapter 7 Discharge of Debts.

II. ARGUMENT

Having received a discharge under 727(a) in a case commenced within 8 years before the date of the filing of the petition in this case, the Debtor, Julie Ann Hill, is not eligible or entitled to a discharge under 11 U.S.C. §727 in this case.

11 U.S.C. §727(a)(8) provides:

- a. The Court shall grant the Debtor a discharge, unless-
 - (8) The Debtor has been granted a discharge under this section..., in a case commenced within 8 years before the date of the filing of the petition.

There is no basis in law or in fact that would allow the Court to grant a discharge to the Debtor when the Debtor is beyond the bounds of the statute that authorizes the Court to grant a discharge.

III. CONCLUSION

For the reasons as set forth herein, the Court should enter an Order denying the discharge of Debtor, Julie Ann Hill's, debts pursuant to 11 U.S.C. §727(a)(8) for such other and further relief as the Court deems appropriate.

DATE: February 28, 2020

Respectfully Submitted,

/s/

John T. Morgan
Attorney for Patrick S. Layng,
United States Trustee

CERTIFICATE OF MAILING

I HEREBY CERTIFY that, on February 28, 2020, I caused a true and correct copy of the foregoing **MOTION FOR ORDER DENYING DISCHARGE OF DEBTOR, JULIE ANN HILL, PURSUANT TO 11 U.S.C. §727(a)(8) AND MEMORANDUM IN SUPPORT THEREOF** to be electronically filed with the Court using the CM/ECF system, which sent notification to all parties of interest participating in the CM/ECF system, as noted below:

- Darwin H. Bingham dbingham@scalleyreading.net, cat@scalleyreading.net
- Scott B. Mitchell scott_mitchell@earthlink.net
- Mark C. Rose mrose@mbt-law.com, markcroselegal@gmail.com
- Stephen W. Rupp rupptrustee@mbt-law.com, UT03@ecfcbis.com
- United States Trustee USTPRegion19.SK.ECF@usdoj.gov

Further, I certify that copies of the **MOTION AND MEMORANDUM** were forwarded via U.S. Mail, first class, postage prepaid and properly addressed to the following:

Julie Ann Hill
7870 S. Nantucket
Cottonwood Heights, UT 84121

Christopher Michael Hill
7870 S. Nantucket
Cottonwood Heights, UT 84121

_____/s/
Lindsey Huston